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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston*

Summary

In the present report, the Special Rapporteur on extreme poverty and human rights focuses on the relationship between extreme poverty and extreme inequality and argues that a human rights framework is critical in addressing extreme inequality.

In the report, the Special Rapporteur provides an overview of the widening economic and social inequalities around the world; illustrates how such inequalities stifle equal opportunity, lead to laws, regulations and institutions that favour the powerful, and perpetuate discrimination against certain groups, such as women; and further discusses the negative effects of economic inequalities on a range of civil, political, economic, social and cultural rights.

The Special Rapporteur also analyses the response of the international community, including the United Nations, the World Bank and the International Monetary Fund, to the challenge of extreme inequality, finding that human rights are absent in the inequality debate and little has been done to follow up on any of the studies or recommendations emerging from the United Nations human rights system.

To conclude, the Special Rapporteur proposes an agenda for the future for tackling inequality, including: committing to reduce extreme inequality; giving economic, social and cultural rights the same prominence and priority as are given to civil and political rights; recognizing the right to social protection; implementing fiscal policies specifically aimed at reducing inequality; revitalizing and giving substance to the right to equality; and putting questions of resource redistribution at the centre of human rights debates.

* Late submission.

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 26/3 and is the first report by Philip Alston submitted to the Human Rights Council in his capacity as Special Rapporteur on extreme poverty and human rights.

2. Poverty and wealth are often discussed as if they have very little to do with one another. In the present report, the Special Rapporteur argues that extreme poverty is directly related to extreme inequality, especially, but not only, in relation to wealth and income distribution within countries. He also argues that international human rights law has much to say about existing inequalities and how they can be reduced in order to eliminate extreme poverty. To date, however, the debate over inequality, which has assumed a new vibrancy in the wake of the publication of Thomas Piketty's book *Capital in the Twenty-First Century*, has paid very little attention to the relevance of human rights and much of the discussion that has taken place has been far more concerned with the plight of the middle classes than of those living in extreme poverty.

3. The international human rights community has largely reciprocated the economists' neglect by ignoring the consequences of extreme inequality in the vast majority of its advocacy and analytical work. It does so at its peril, however, since a human rights framework that does not address extreme inequality as one of the drivers of extreme poverty and as one of the reasons why over one quarter of humanity cannot properly enjoy human rights is doomed to fail.

4. The present report is not, therefore, about the ways in which extreme inequality can be tackled. Many excellent analyses are now becoming available in that regard.[1] Nor does the Special Rapporteur seek in this report to survey the range of recommendations that emerges from those analyses. Rather, the goal is to provide answers to two general questions. First, what has the international human rights regime done to address the relationship between extreme poverty and extreme inequality? Second, what might be done to improve the record in this regard?

II. Defining and measuring inequality

A. Definition and recent figures

5. Economic inequality can be used to refer to a range of inequalities relating to the distribution of income (from labour or capital) or wealth (such as financial assets or land) between individuals in a society. Economic inequalities are often expressed using the Gini coefficient of inequality, which varies between 0 (expressing perfect equality) and 1 (expressing perfect inequality: for instance when one individual owns all the wealth in a society), but there are a multitude of other ways to measure and present economic inequalities.[2] The magnitude of the problem of economic inequalities is dependent on what exactly is being measured and how. An indicator measuring only labour income inequality

[1] Anthony B. Atkinson, *Inequality: What Can Be Done?* (Cambridge, Massachusetts, Harvard University Press, 2015); François Bourguignon, *The Globalization of Inequality* (Princeton, Princeton University Press, 2015); Joseph Stiglitz, *The Great Divide* (New York, W.W. Norton and Company, Inc., 2015).

[2] See *Social Panorama of Latin America* (United Nations publication, Sales No. E.14.II.G.6), pp. 97–100.

may be ineffectual if those in the upper quintile or decile derive their income from wealth instead of labour. Measuring wealth inequality by looking at domestic tax data may lead to different results than if wealth distribution is measured by taking only household surveys into account.

6. When analysing inequalities, there are many other dimensions of well-being that can be taken into account apart from income and wealth.[3] Economic inequalities can be distinguished from what can be termed "social inequalities". Social inequalities may refer to the distribution of, for instance, political power, health, education or housing among individuals in a society. In theory, a society may have health equality, for instance, when every individual has access to the same quality and quantity of health care. Social inequalities and economic inequalities may, and often do, interact with, and reinforce, one another, for instance when individuals with higher incomes or their family members have more political power or access to better education than those with lower incomes.

7. Economic and social inequalities are often categorized as "vertical inequalities",[4] referring to the distribution of something such as income, health or power. Vertical inequalities can be distinguished from "horizontal inequalities", which are group-based differences (describing between "whom" the relevant differences occur). Horizontal inequalities may for instance refer to: inequality between men and women, between majorities and minorities, between races, between groups of people with different sexual orientations or between generations. Horizontal inequalities often overlap with vertical inequalities, for instance when women are overrepresented in lower income segments or when a racial minority is underrepresented in political bodies.

8. Current income-inequality figures are quite dramatic. According to a 2008 study by the International Labour Organization (ILO), over the past two decades the income gap between the top and bottom 10 per cent of wage earners increased in 70 per cent of the countries for which data was available.[5] According to a recent Organization for Economic Cooperation and Development (OECD) study, the gap between rich and poor in OECD countries is at its highest level in 30 years.[6] In 2007, the average executive manager in the 15 largest firms in the United States of America earned more than 500 times what the average employee in the United States earned, compared with over 300 times in 2003, and similar patterns can be observed in many other countries.[7]

9. One indicator that gives a detailed overview of income inequalities, at least for most countries in the global North, is the World Top Incomes Database (http://topincomes.parisschoolofeconomics.eu). In the United States, in 2012, the top 1 per cent of earners received almost 20 per cent of the national income. The top 10 per cent of earners received almost half of the national income. These figures contrast sharply with those of previous decades in the United States or with figures in other developed countries. In 1973, the top 1 per cent in the United States earned approximately 8 per cent of the

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[3] See the report by the Commission on the Measurement of Economic Performance and Social Progress (Stiglitz-Sen-Fitoussi Commission) (2009), pp. 14–15.

[4] For a more detailed explanation of the difference between vertical and horizontal inequality, see the United Nations Development Programme, *Humanity Divided: Confronting Inequality in Developing Countries* (New York, 2013), chap. 1.

[5] See ILO, *World of Work Report 2008: Income Inequalities in the Age of Financial Globalization*, p. ix.

[6] Today, the richest 10 per cent of the population in the OECD area earn 9.5 times the income of the poorest 10 per cent, in the 1980s this ratio stood at 7:1 and has been rising continuously ever since. See Federico Cingano, "Trends in income inequality and its impact on economic growth", OECD Social, Employment and Migration Working Papers, No. 163 (2014), para. 1.

[7] See ILO, *World of Work*, p. xi.

national income and the top 10 per cent earned about 32 per cent. In Sweden, in 2012, the top 1 per cent earned around 7 per cent of the national income, from a low of around 4 per cent in 1981, and the top 10 per cent earned around 28 per cent of the national income, from a low of around 22 per cent in 1984. Income inequality in the United States in 2012 is comparable to income inequality in Colombia in 2010, where the top 1 per cent of earners also received about 20 per cent of the national income.

10. In *Capital in the Twenty-First Century*, Mr. Piketty shows that in 1970 the wealthiest 10 per cent in Europe owned about 60 per cent of all wealth, while in the United States the figure was about 65 per cent. Today, that share has increased by 5 percentage points in both places. In January 2015, Oxfam International presented figures showing that the richest 1 per cent of the world have seen their share of global wealth increase from 44 per cent in 2009 to 48 per cent in 2014, with a prediction that it will exceed 50 per cent by 2016. Of the remaining wealth, only 5.5 per cent goes to those outside the top quintile.[8]

11. The United Nations Development Programme (UNDP) has developed several indicators that measure social and horizontal inequalities. An inequality-adjusted human development index, calculated for 145 countries, indicates how achievements in the areas of health, education and income are distributed among a population. UNDP also publishes the coefficient of human inequality, which is a calculation of average inequality across the three dimensions mentioned above. UNDP further measures gender inequality in its gender inequality index. Looking at these different indices, which are not always as intuitive as the income indices described above, it becomes clear that many countries do not even come close to the levels of equality in terms of health, education and gender that exist in the more egalitarian countries. Where Norway had an inequality-adjusted human development index value of 0.891 in 2013, indicating a high level of equality in comparison with other countries, the figures in countries such as the United States (0.755), the Russian Federation (0.685), Chile (0.661), India (0.418) and the Central African Republic (0.203) are much lower. The gender-related development index (female to male ratio of the human development index) ranges from very high levels of equality between men and women in Norway (0.997) to a very high level of gender inequality in Afghanistan (0.602).

B. Economic inequalities and equal opportunity

12. Perfect economic equality is not achievable and arguably not desirable, and there is no reason to object to a certain degree of economic inequality if it reflects differences in effort and talent and is instrumental in achieving greater welfare for society as a whole. There does seem to be a consensus, however, that every human being is entitled — at the very least — to equal opportunity.[9] Two United States Presidents have articulated this principle eloquently. Barack Obama described it as "the idea that success doesn't depend on being born into wealth or privilege, it depends on effort and merit".[10] In 1860 Abraham Lincoln said: "When one starts poor, as most do in the race of life, free society is such that he knows he can better his condition; he knows that there is no fixed condition of labor, for

[8] See "Wealth: having it all and wanting more", Oxfam Issue Briefing (January 2015), p. 2.

[9] "Although the principle of formal equality is the basis for social and economic interaction in most modern societies, the social consensus on how much inequality of market outcomes is acceptable, differs considerably among societies. But irrespective of cross-country differences in the level of effective inequality, the increase in inequality over time has given rise to growing concerns in many countries about its social and economic repercussions." See *Trade and Development Report 2012* (United Nations publication, Sales No. E.12.II.D.6), p. 32.

[10] Barack Obama, "Remarks by the President on economic mobility", Washington, D.C., 4 December 2013.

his whole life."[11] Friedrich Hayek, known for his aversion to government intervention to achieve more equality, wrote approvingly of a demand at the "height of the classical liberal movement … that all man-made obstacles to the rise of some should be removed, that all privileges of individuals should be abolished, and that what the state contributed to the chance of improving one's conditions should be the same for all".[12]

13. The problem in many societies is that poor people start the "race of life" at a disadvantage and will meet many more hurdles on their way than others.[13] The situation of high inequality in many countries today certainly does not conform to the idea of "fair equality of opportunity" proposed by John Rawls in *A Theory of Justice*, who wrote: "More specifically, assuming that there is a distribution of natural assets, those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system, that is, irrespective of the income class into which they are born."[14]

14. From the perspective of equality of opportunity, it is problematic if extreme economic inequalities begin at birth. Mr. Piketty has shown that for those born in France between 1910 and 1960, "the top centile of the income hierarchy consisted largely of people whose primary source of income was work". For those born in France in the 1970s, and even more for those born later, things are different, however. Mr. Piketty has written that the "top centile of the social hierarchy in France today are likely to derive their income about equally from inherited wealth and their own labor". Even more problematic is Mr. Piketty's finding that nearly one-sixth of those born in France today "will receive an inheritance larger than the amount the bottom half of the population earns through labor in a lifetime. (And this group largely coincides with the half of the population that inherits next to nothing)."[15]

15. In principle, economic inequalities that begin at birth can be corrected during one's lifetime. But research has shown that starting life at an economic disadvantage makes it much more likely that one also ends life at an economic disadvantage.[16] A study based on data from a subset of OECD countries found that intergenerational mobility differs strikingly between countries:

> In countries like Finland, Norway, and Denmark the tie between parental economic status and the adult earnings of children is weakest: less than one fifth of any economic advantage or disadvantage that a father may have had in his time is passed on to a son in adulthood. In Italy, the United Kingdom, and the United States roughly 50 percent of any advantage or disadvantage is passed on.[17]

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[11] "Speech at New Haven, Connecticut", in Roy Basler, ed., *The Collected Works of Abraham Lincoln*, vol. 4 (New Brunswick, New Jersey, Rutgers University Press, 1953).

[12] See F.A. Hayek, *Collected Works of F.A. Hayek. Constitution of Liberty* (Taylor and Francis, 2013), p. 155.

[13] "Income inequality specifically is one of the most visible aspects of a broader and more complex issue, one that entails inequality of opportunity. This is a universal challenge that the whole world must address." (See the synthesis report of the Secretary-General entitled "The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet" (A/69/700, para. 68).)

[14] See John Rawls, *A Theory of Justice* (Cambridge, Massachusetts, Harvard University Press, 1971), p. 63.

[15] See Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, Massachusetts, Harvard University Press), pp. 408–409, 421.

[16] "The gap between formal and real equality of opportunities has deep economic roots and far-reaching economic consequences. Inequality that begins in the cradle is not easily redressed through social mobility." (See *Trade and Development Report 2012*, p. 40.)

[17] See Miles Corak, "Income inequality, equality of opportunity, and intergenerational mobility", Discussion Paper No. 7520 (Bonn, Institute for the Study of Labor, 2013), p. 4.

The implications of this phenomenon for a country with relatively low levels of intergenerational mobility, such as the United States, was explained in intuitive terms in 2012 by a leading economist: "The chance of a person who was born to a family in the bottom 10 percent of the income distribution rising to the top 10 percent as an adult is about the same as the chance that a dad who is 5'6" tall having a son who grows up to be over 6'1" tall. It happens, but not often."[18]

16. The differences in intergenerational economic mobility between countries are not random. Studies have shown a clear negative relationship between economic inequalities in a country and intergenerational earnings mobility.[19] Alan Krueger has called this the "Great Gatsby curve". Joseph Stiglitz has written that the ideal of equal opportunity is increasingly a myth in many countries and that the decline in opportunity has gone hand in hand with growing inequality.[20]

C. Inequality and political power

17. In all modern democracies, laws, regulations and institutions influence, and are influenced by, the distribution of economic and other forms of power. Economic inequalities are not only the result of market forces, but equally of political forces that affect laws, regulations and institutions.[21] A full understanding of economic inequalities therefore requires an examination of the exercise of political power.

18. Democracy and civil and political rights are closely linked to the equal division of economic and other factors that are crucial for well-being. Amartya Sen famously argued that democracy and the upholding of related civil and political rights, such as freedom of the press and the right to vote, are connected to the non-occurrence of famines. He suggested that "India's success in eradicating famine is not matched by a similar success in … relieving inequalities in gender relations". According to Mr. Sen, deprivations such as gender inequality "call for deeper analysis, and for a greater and more effective use of mass communication and political participation – in sum, for a fuller practice of democracy".[22] The existence of a democracy and the right to participate in the political process do not guarantee equal opportunity and more equal outcomes. As other authors have argued, the correlative human rights obligations necessary to "constitute democracy and ensure that it functions properly" include more than just the right to vote: the State "may need to take positive steps to protect individuals against other individuals' interference with the right."[23]

19. A major problem in both developing and developed countries is the capture of the political process by powerful groups, and the exclusion of others, leading to laws, regulations and institutions that favour the powerful. Economic inequality is often accompanied by political inequality, meaning that not all citizens are able to equally exercise their democratic rights.[24] According to Oxfam, many people around the world

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[18] See Alan B. Krueger, "The rise and consequences of inequality in the United States", remarks as prepared for delivery, presented on 12 January 2012, p. 3.

[19] See Cingano, "Trends" (footnote 6 above), para. 15.

[20] See Joseph E. Stiglitz, *The Price of Inequality: How Today's Divided Society Endangers Our Future* (New York, W.W. Norton and Company, 2012), p. 18.

[21] See Task Force on Inequality and American Democracy of the American Political Science Association, "American democracy in an age of rising inequality" (2004), p. 4.

[22] Amartya Sen, "Freedoms and needs", *The New Republic*, 10/17 January 1994.

[23] See, for example, Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties*, (Oxford University Press, 2008), p. 38–39.

[24] "Only some Americans fully exercise their rights as citizens, and they usually come from the more advantaged segments of society. Those who enjoy higher incomes, more occupational success, and

believe that laws and regulations are designed to benefit the rich.[25] According to Mr. Stiglitz, in the context of the United States, government plays a double role in current economic inequality: "It is partly responsible for the inequality in before-tax-distribution of income, and it has taken a diminished role in 'correcting' this inequality through progressive tax and expenditure policies."[26]

20. Inequalities, political capture and the exercise of civil and political rights are closely connected. According to the World Bank, "unequal distributions of control … of political influence perpetuate institutions that protect the interests of the most powerful, sometimes to the detriment of the personal and property rights of others".[27] Writing about the United States, where income inequality is at a historic high,[28] Mr. Stiglitz has argued that the right to participate in the democratic process remains effectively unfulfilled for many poor Americans: "While the days of outright exclusion from the voting process are mostly behind us in the United States, there remains a steady stream of initiatives to limit participation, invariably targeting the poor and less well connected. … The result is that one in four of those eligible to vote — 51 million Americans or more — are not registered."[29] Paul Krugman has written that "extreme concentration of income is incompatible with real democracy".[30]

21. Economic inequalities seem to encourage political capture and the unequal realization of civil and political rights. High levels of economic inequalities "may create institutions that maintain the political, economic and social privileges of the elite and lock the poor into poverty traps from which it is difficult to escape".[31] This vicious cycle may be broken when civil and political rights are enjoyed more equally, as illustrated by the case of Chile. Under the dictatorship of Augusto Pinochet during the 1970s and 1980s, income inequality worsened, then improved after democracy was reinstated (although it is still higher than it was in the 1960s or early 1970s).[32] Another example is Rwanda, where gender equality is enshrined in the Constitution and a quota system has contributed to more than half of the members of Parliament being women, making it the only country in the

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the highest levels of formal education, are the ones most likely to participate in politics and make their needs and values known to government officials." See Task Force on Inequality and American Democracy, "American democracy", p. 5.

[25] "A survey in six countries (Spain, Brazil, India, South Africa, the UK and the US) showed that a majority of people believe that laws are skewed in favor of the rich – in Spain eight out of 10 people agreed with this statement. Another recent Oxfam poll of low-wage earners in the US reveals that 65 percent believe that Congress passes laws that predominantly benefit the wealthy." See Oxfam, "Working for the few: political capture and economic inequality", briefing paper, 20 January 2014, p. 3.

[26] Stiglitz, *The Price of Inequality*.

[27] See World Bank, *World Development Report 2006: Equity and Development* (2005), p. 22.

[28] "Indeed, the top decile share in 2012 is equal to 50.6 percent, a level higher than any other year since 1917 and even surpasses 1928, the peak of stock market bubble in the 'roaring' 1920s." See Emmanuel Saez, "Striking it richer: the evolution of top incomes in the United States" (University of California Berkeley, 2015), p. 3. Available from http://eml.berkeley.edu/~saez/saez-UStopincomes-2013.pdf.

[29] Stiglitz, *The Price of Inequality*.

[30] Paul Krugman, "Oligarchy, American style", *New York Times*, 3 November 2011.

[31] See *Combating Poverty and Inequality: Structural Change, Social Policy and Politics* (United Nations publication, Sales No. E.10.III.Y.1), p. 6.

[32] Dante Contreras and Ricardo Ffrench-Davis, "Policy regimes, inequality, poverty, and growth: the Chilean experience, 1973–2010", in Giovanni Andrea Cornia, ed., *Falling Inequality in Latin America: Policy Changes and Lessons* (Oxford University Press, 2014).

world with more female than male members of parliament.[33] After the introduction of the quota system, the Rwandan Parliament passed legislation to enhance gender equality, "including several laws aimed at preventing and punishing gender-based violence, laws granting more extensive property rights to women and key legislation on women in the workforce."[34]

22. The protection of core labour rights, such as the rights to freedom of association and collective bargaining, is also essential for a more equal division of power and the reduction of economic inequalities. While it is very difficult to measure the causal relationship between the fulfilment of those core labour rights and economic inequalities, various studies point to a relationship between the lack of protection of core labour rights and deunionization and between deunionization and growing wage inequality. The authors of a recent study note: "The neoliberal paradigm in the early 1980s created an extremely negative environment for unions with the abandonment of full-employment policies. Since that time, labor laws across the world have become much less union friendly, and unionizing new establishments has become harder."[35]

23. A sizeable amount of literature sets out the relationship between deunionization and wage inequality. The authors of a World Bank study on the economic effect of adopting or enforcing the two core labour rights mentioned above reported "very robust" findings that unions compress wage inequality. In particular, they found that the wage differentials between skilled and unskilled workers were reduced when unions were present.[36] This is consistent with another study, in relation to the United States, in which the authors concluded:

> When individual union membership is considered, union decline accounts for a fifth of the growth in men's earnings inequality. Adding normative and threat effects of unions on nonunion pay increases the effect of union decline on wage inequality from a fifth to a third. By this measure, the decline of the U.S. labor movement has added as much to men's wage inequality as has the relative increase in pay for college graduates.[37]

A 2013 study about Turkey shows that the fall of unionization in that country resulted in higher wage inequality during the period 1980–2008.[38] Also relevant is the evidence that not only does deunionization affect wage inequality, but wage inequality also affects unionization.[39]

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[33] UNDP, "Promote gender equality and empower women: where we are". Available from www.rw.undp.org/content/rwanda/en/home/mdgoverview/overview/mdg3/.

[34] Elizabeth Bennett, "Rwanda strides towards gender equality in government", *Kennedy School Review* (August 2014).

[35] See Unal Töngür and Adem Yavuz Elveren, "Deunionization and pay inequality in OECD countries: a panel Granger causality approach", *Economic Modelling*, vol. 38 (2014), p. 418.

[36] See World Bank, *Unions and Collective Bargaining: Economic Effects in a Global Environment* (Washington, D.C., 2002), p. 7.

[37] See Bruce Western and Jake Rosenfeld, "Unions, norms, and the rise in American wage inequality", *American Sociological Review*, vol. 76, No. 4 (August 2011), pp. 532–533.

[38] Adam Y. Elveren, "A brief note on deunionization and pay inequality in Turkey", The University of Texas Inequality Project, UTIP Working Paper No. 63 (2013). Available from http://utip.gov.utexas.edu/papers/utip_63.pdf.

[39] "Our findings show that the Granger causality not only runs from union density to inequality (10 countries) but also the other way around (six countries)." (See Töngür and Elveren, "Deunionization", p. 423).

D. Discrimination and inequalities

24. Vertical and horizontal inequalities, including economic inequalities, are often closely related to discrimination. In many countries, the poorest sector of the population coincides with social and ethnic groups that experience discrimination. It is therefore possible that levels of economic inequality in many countries would be lower today in the absence of discrimination.[40] When dealing with economic inequalities, we should therefore pay specific attention to the overlap between economic inequalities and group-based inequalities (horizontal inequalities), because they can indicate discrimination as an important cause of inequality.[41] As Mr. Stiglitz has written: "One of the most invidious — and hardest to eradicate — sources of inequality is discrimination, both ongoing discrimination and the legacy of past discrimination."[42]

25. Although many forms of discrimination are inherently unjust, the correlation between gender-based discrimination and economic inequalities deserves special mention since it potentially affects half of the world's population. While both men and women may experience myriad inequalities, based on factors such as their race, ethnicity, sexual orientation or disability, gender-based discrimination is too often seen to be almost exclusively a women's problem. In its *World Development Report 2012*, the World Bank describes the forms of discrimination that still exist in many countries and that directly affect economic inequality between men and women. According to the World Bank, men and women still have different ownership rights in at least nine countries, and in many countries, women and girls still have fewer inheritance rights than men and boys.[43] In addition, women continue to fare badly in the labour market generally. A stocktaking by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) shows that almost 80 countries maintain restrictions on the types of work that women are permitted to undertake. Also according to UN-Women, at the global level, women's labour force participation rates have stagnated since the 1990s. Currently, only half of women are in the labour force compared to more than three quarters of men. Despite considerable regional variations, nowhere has this gender gap been eliminated: globally, women earn on average 24 per cent less than men. In one study of four countries, lifetime income gaps between women and men were estimated to be between 31 and 75 per cent.[44]

E. Detrimental effects of economic inequalities on the enjoyment of human rights

26. It is clear that economic inequalities severely affect a range of civil, political, economic, social and cultural rights.

27. Economic inequalities can threaten the right to life, liberty and security of the person. A 2009 study using data from 162 countries for the years 1980–2004 found robust

[40] "One interpretation of these findings is that between-group differences account for, and possibly explain, a non-negligible portion of overall inequality." See World Bank, *World Development Report 2006*, p. 43.

[41] "The issue has particular salience when it involves groups, as the influence of social norms and discrimination come to the fore, and the arguments that outcomes may reflect choice have less purchase." See Claire Melamed and Emma Samman, "Equity, inequality, and human development in a post-2015 framework" (UNDP, 2013), p. 3.

[42] Stiglitz, *The Price of Inequality*.

[43] World Bank, *World Development Report 2012: Gender Equality and Development*, p. 159.

[44] See United Nations Entity for Gender Equality and the Empowerment of Women, *Progress of the World's Women 2015–2016: Transforming Economies, Realizing Rights* (2015), p. 71.

support for the relationship between income inequality and personal integrity rights violations across the whole sample of countries.[45] A 2011 study showed a strong association between income inequality and homicide rates based on data from 33 rich and middle-income countries.[46] One overview study concluded that research "has consistently linked income inequality with crime, namely intentional homicides and robbery".[47]

28. Economic inequalities, especially when extreme, can also be closely linked to social unrest and conflict.[48] The Secretary-General has noted that when people perceive inequality to be unfair and excessive, protests and social unrest can result, such as those seen around the world in recent years (see A/67/394, para. 26). A study on poverty and inequality found that "high levels of interlocking inequalities may undermine the realization of civil, political and social rights; they may raise the level of crime and plunge societies into conflict".[49] ILO, in its *World Employment and Social Outlook: Trends 2015*, stated that "rising inequalities have undermined trust in government, with a few exceptions" and that significant falls in trust "in particular if they accompany stagnant or declining incomes, can contribute to social unrest, as several countries in the Middle East have demonstrated, with knock-on effects on social conditions, growth and employment dynamics". Even in ancient times, Plato argued that "if a state is to avoid … civil disintegration … extreme poverty and wealth must not be allowed to rise in any section of the citizen-body, because both lead to disasters".[50]

29. Economic inequalities not only impair civil and political rights but also negatively affect the enjoyment of economic, social and cultural rights. A good example is the right to health. According to the World Bank, "infants from poorer families and children from rural areas are more likely to die than their peers from richer families and urban areas" and the poor are "considerably less likely than the non-poor to have access to high-impact health services, such as skilled delivery care, antenatal care, and complementary feeding."[51] The Stiglitz-Sen-Fitoussi Commission found that "people from lower occupational classes who have less education and income tend to die at younger ages and to suffer, within their shorter lifetimes, a higher prevalence of various health problems" and that "these differences in health conditions do not merely reflect worse outcomes for people at the very bottom of the socio-economic scale but extend to people throughout the socio-economic hierarchy, i.e. they display a 'social gradient'".[52] The World Health Assembly, in its resolution WHA62.14, has also affirmed the recommendation of the Commission on Social Determinants of Health on the need "to tackle the inequitable distribution of power, money and resources".

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[45] Todd Landman and Marco Larizza, "Inequality and human rights: who controls what, when, and how", *International Studies Quarterly*, vol. 53, No. 3 (2009), pp. 715–736.

[46] Frank J. Elhar and Nicole Aitken, "Income inequality, trust and homicide in 33 countries", *European Journal of Public Health*, vol. 21, No. 2 (2011), pp. 241–246.

[47] See Melamed and Samman, "Equity", p. 7.

[48] In a recent report, the Economic Commission for Latin America and the Caribbean noted that a decline in economic disparities may not necessarily lead to less social unrest and conflict. "Chile and Brazil, which have brought polarization and poverty down, have recently been hit by expressions of social unrest. One possibility is that in some of the countries of the region, declining polarization and poverty have boosted the sense of identification with the middle class and fed higher expectations, which could lead to conflicts if not met." (See *Social Panorama of Latin America*, p. 106).

[49] *Combating Poverty and Inequality*.

[50] Quoted in World Bank, *World Development Report 2006*, p. 76.

[51] Ibid., pp. 29 and 31–32.

[52] See the report by the Commission (footnote 3 above), p. 46.

30. Studies have demonstrated the negative effect of income inequality upon the right to education.[53] A 2014 study published by OECD showed that "increased income disparities depress skills development among individuals with poorer parental education background, both in terms of the quantity of education attained (e.g. years of schooling), and in terms of its quality (i.e. skill proficiency)" and that "higher inequality lowers the opportunities of education (and social mobility) of disadvantaged individuals in the society, an effect that dominates the potentially positive impacts through incentives".[54] Another study showed that the youngest children in Ecuador, irrespective of wealth quintile or education of their parents, performed broadly as well as their comparators, but that, as they got older, only those children in the top half of the wealth distribution and with highly educated parents maintained their performance relative to their comparators.[55]

31. Economic inequalities also have an impact on the realization of the right to water. In a 2012 report, the Secretary-General cited an analysis of data from 35 countries in sub-Saharan Africa that found that access to improved sources of water varied from 94 per cent among the richest 20 per cent in urban areas to 34 per cent among the poorest 20 per cent in rural areas (see A/67/394, para. 29). In another study, it was found that the "rate of progress in access to water and sanitation is very uneven among wealth quintiles in many countries, with the poorest two quintiles frequently experiencing lack of improvement while other quintiles experience significant advances".[56]

32. It is clear therefore that the most impoverished suffer the most extreme effects of inequality for a variety of reasons. In part, this is because their influence and capacity to exercise rights is diminished relatively, even if not absolutely, as others become wealthier and gain greater political and economic power, and in part because they are more vulnerable to the harms associated with social unrest, crime and violence.

III. International community's response to inequality

33. In 1999, the authors of a major study concluded that while global inequality was a major problem, it had been largely neglected by traditional investigations into world order. They argued that processes of globalization were exacerbating inequalities both within and among States and eroding the capacity of traditional institutions to manage the resulting threats.[57] But it took well over another decade for the challenge of inequalities to appear high on the list of the international community's priority concerns. In the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", world leaders reaffirmed the need to achieve sustainable development by reducing inequalities. They considered that it was essential to generate decent jobs and incomes that decreased disparities in standards of living (see General Assembly resolution 66/288, annex, paras. 4 and 30).

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[53] See, for example, Melamed and Samman, "Equity", p. 6.

[54] See Cingano, "Trends" (footnote 6 above), paras. 2 and 46.

[55] See World Bank, *World Development Report 2006*, p. 35.

[56] See Inga T. Winkler, Margaret L. Satterthwaite and Catarina de Albuquerque, "Measuring what we treasure and treasuring what we measure: post-2015 monitoring for the promotion of equality in the water, sanitation, and hygiene sector", Public Law and Legal Theory Research Paper Series, Working Paper No. 14-48 (New York University School of Law, 2014), p. 39. Available from http://ssrn.com/abstract=2498064.

[57] Andrew Hurrell and Ngaire Woods, eds., *Inequality, Globalization, and World Politics* (Oxford University Press, 1999).

34. In 2014, the Open Working Group on Sustainable Development Goals presented its proposals for the post-2015 development agenda (see A/68/970 and Corr.1). Proposed goal 10 is aimed explicitly at reducing inequality within and among countries. The specific targets associated with goal 10 include the following: achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average; ensure equal opportunity and reduce inequalities of outcome; and adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.

35. In December 2014, the Secretary-General presented a synthesis report containing his vision for the negotiations of the new sustainable development goals (A/69/700). In the report, the Secretary-General spoke of gross and intolerable inequalities, and argued that income inequality specifically was one of the most visible aspects of a broader and more complex issue, one that entailed inequality of opportunity. He underlined that, as States implemented the new agenda, they must address inequalities in all areas, agreeing that no goal or target be considered met unless met for all social and economic groups. The defining challenge of the time was to close the gap between the determination to ensure a life of dignity for all, and the reality of persisting poverty and deepening inequality (ibid., paras. 65 and 67–68).

36. Although one of the Open Working Group's proposed goals is aimed at reducing inequalities, the Special Rapporteur has observed that human rights norms are almost absent from the proposal (see A/69/297, paras. 45–49). In his synthesis report the Secretary-General attributed far greater importance to them, although he did not explicitly discuss the relationship between inequalities and human rights. The link was however acknowledged in statements calling for a future free from poverty and built on human rights, equality and sustainability, a post-2015 agenda built on the principles of human rights and the rule of law, equality and sustainability, and again in the linking of the challenges of reinforcing human rights, equality and sustainability (see A/69/700, paras. 18, 49 and 82). More generally, the Secretary-General underscored the need to continue to remedy the policy incoherence between current modes of international governance in matters of trade, finance and investment on the one hand, and the norms and standards for labour, the environment, human rights, equality and sustainability on the other (ibid., para. 95). He also acknowledged an indirect link between human rights and inequality by juxtaposing the value of dignity with deepening inequality, thus implying that inequality undermined human dignity.

37. The United Nations has not been alone in recognizing the threat posed by the dramatic growth in inequalities. The Managing Director of the International Monetary Fund (IMF) has warned consistently of the seriousness of the problem. At the Fund's annual meeting in 2014 she said: "There has been a staggering rise in inequality — 7 out of 10 people in the world today live in countries where inequality has increased over the last three decades. And yet, we know that excessive inequality saps growth, inhibits inclusion, and undermines trust and social capital."[58] In February 2014, the Executive Board of IMF discussed a staff paper on fiscal policy as the primary tool for Governments to affect income distribution, including "options for reform of expenditure and tax policies to help achieve distributive objectives efficiently in a manner consistent with fiscal sustainability and recent evidence on how fiscal policy measures can be designed to mitigate the impact of fiscal consolidation on inequality".[59]

[58] Christine Lagarde, "The IMF at 70: making the right choices—yesterday, today, and tomorrow", Washington, D.C., 10 October 2014. Available from www.imf.org/external/am/2014/speeches/pr02e.pdf, p. 3.

[59] See IMF, *Annual Report 2014: From Stabilization to Sustainable Growth* (2014), p. 37.

38. The World Bank has also been active on this front. In its *Annual Report 2014* it noted that "rising inequality in many countries is harmful to economic stability and the sustainability of growth, but well-designed policies can reduce inequality without hurting growth". In January 2015, the Bank's Chief Economist suggested that the "deep and pervasive inequality that exists today can only be condemned". He recalled that the annual income of the world's 50 wealthiest people was close to the total income of the poorest 1 billion, a figure that he characterized as "a collective failure". He called for the consideration of "policies and interventions to curb such extreme inequality", which he said must be done "not only out of a sense of justice, but also because, in a world afflicted with such extreme disparities, its poorest residents lose their voice, even when they have the right to vote. Extreme inequality is, ultimately, an assault on democracy."[60]

39. It seems clear, however, that the deeply expressed concerns about the consequences of inequality are not in fact bringing the sort of deep changes that would be required in the policies of such institutions. For the most part, the response seems to involve the tweaking of traditional policies rather than any change in the fundamental priorities underlying the work of those institutions. This makes it all the more important to inquire into the role that could or should be played by human rights bodies.

IV. United Nations human rights bodies and inequality

40. Economic inequalities have long been a focus of analysis within the United Nations human rights system. But despite the various reports by different special rapporteurs calling attention to the problems associated with extreme inequality, little has been done to follow up on any of the studies or recommendations.

41. In 1992, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, Danilo Türk, recommended that a special rapporteur on extreme poverty and human rights be appointed. He characterized income inequality as one of the main challenges of the time, and stated that income distribution within States remained distressingly inequitable. The Special Rapporteur lamented the fact that, in the 1980s, the urban working classes and large segments of the middle class had been impoverished, while groups and businessmen associated in one way or another with the internationalization of capital represented the major economic beneficiaries of the previous 10 years. He found that drastic measures to rectify that income injustice were required and that adequately carrying out poverty-reduction programmes and fulfilling economic, social and cultural rights throughout society was unthinkable without also redressing current income imbalances. He identified taxation as a central means of redressing existing imbalances of income distribution (see E/CN.4/Sub.2/1992/16, paras. 76–84).

42. In its resolution 1993/40, the Sub-Commission, recalling the report by its Special Rapporteur, stated that it was deeply alarmed that the gap between the rich and the poor had more than doubled over the previous three decades and that it was conscious of the impact of inequitable income distribution on the realization of the rights to health, education, housing, food, environmental quality and other economic, social and cultural rights. Also, it reiterated the fundamental principles of equality of treatment, human dignity, equity and justice. Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, required further in-depth research and

[60] Kaushik Basu, "The state of global poverty", 23 January 2015. Available from www.project-syndicate.org/commentary/global-inequality-persistence-of-poverty-by-kaushik-basu-2015-01#A3YHvE6roHVRbfK.99.

analysis by the human rights community, the Sub-Commission entrusted Asjborn Eide with the task of producing a report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels. In endorsing the proposal, the Commission on Human Rights, in its resolution 1994/20, called the fair distribution of the benefits of development one of the central purposes of the process of development.

43. In a report to the Sub-Commission in July 1994, Mr. Eide focused on the impact of different patterns of income distribution on the enjoyment of human rights and the remedial action to be taken in cases of intolerable levels of income inequality. He did not examine the question of how the enjoyment of human rights affected the structure of income distribution and avoided discussing the causes of inequality because they had already been the subject of an enormous body of literature of an ideological and dogmatic nature. He argued that gaps in income between rich and poor at the national level should be given attention to the same extent as gaps in income between nations (see E/CN.4/Sub.2/1994/21, paras. 12, 14, 18 and 21).

44. Mr. Eide attached considerable importance to the policies of international financial institutions and was critical of IMF for adopting the position that it should not concern itself with income distribution. As noted earlier, the position of IMF today differs significantly. Mr. Eide criticized the role played by international financial institutions in reducing the power of the State, which he considered to have an essential role to play in ensuring equity in income distribution. In reflecting on the obligations of States in relation to efforts to reduce income inequality, Mr. Eide called for, inter alia, policies to ensure access to land and other productive assets; the provision of public services and other benefits as well as equality of opportunity for all; guarantees of non-discrimination in employment; the implementation of the Convention on the Elimination of All Forms of Discrimination against Women; and the provision of a functioning system of taxation (ibid., paras. 82–83).

45. Subsequent to Mr. Eide's report, the Sub-Commission decided to appoint a Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution. José Bengoa was appointed as Special Rapporteur and produced several reports between 1995 and 1998. He reached the following general conclusions (see E/CN.4/Sub.2/1998/8, paras. 4–9):

(a) The growth in the world economy since 1987 has been accompanied by a marked negative distribution of income at both the international and national levels;

(b) When income distribution begins to be concentrated in the hands of the few, relative poverty increases, as does extreme poverty, both in the developed and developing world;

(c) Bad income distribution, when accompanied by economic growth, causes explosive social situations;

(d) Income distribution is very closely linked to the full enjoyment and realization of human rights and persistently bad distribution of income is also the cause of persistent violations of human rights; intolerable degrees of income inequality constitute a violation of the norms of national and international coexistence and therefore of the rights of persons;

(e) Income distribution should become an economic and social indicator used by international financial institutions and other international organizations.

46. Mr. Bengoa also recommended the creation of a social forum to facilitate the participation of States, international organizations, non-governmental organizations and corporations in discussing how to take economic, social and cultural rights into account in

their policies. The Social Forum was set up in 2002 and recent sessions have focused on the rights of older persons (2014) and on the rights of access to medicines in the context of the right to health (2015).

V. An agenda for the future for tackling inequality

47. A number of steps must be taken if the international human rights regime is to be able to respond meaningfully to the threat posed by extreme inequality. Some of these proposals are already well known, while others will require a willingness to step back and acknowledge that the existing system has some deep biases that need to be corrected over time.

A. Rejecting extreme inequality

48. It must be accepted that extreme inequality and respect for the equal rights of all persons are incompatible. Formal recognition of the fact that there are limits of some sort to the degrees of inequality that can be reconciled with notions of equality, dignity and commitments to human rights for everyone would be an important step forward.

B. Committing to reduce extreme inequality

49. Having taken the principled position that there must be limits to inequality, States should then formally commit themselves to policies explicitly designed to reduce, if not eliminate, extreme inequality. Political recognition of the challenge and the holding of a meaningful and sustained public debate on the most appropriate measures to be taken is the starting point for genuine efforts to reduce extreme inequality.

C. Making economic, social and cultural rights central

50. A serious commitment to tackle extreme inequality is only possible in the context of policies and programmes that take the concept of economic, social and cultural rights seriously and give them prominence and priority equal to that of civil and political rights. For all of the achievements that have been accomplished in this domain over the past two decades, the fact remains that economic, social and cultural rights continue to enjoy only second-rank status. There are many contexts in which they are absent, marginalized or only half-heartedly taken on board. In circumstances in which economic, social and cultural rights are not a fundamental part of the overall approach, there are no obvious limits to inequality. Mr. Sen is correct in noting that "the exclusion of all economic and social rights from the inner sanctum of human rights, keeping the space reserved only for liberty and other first-generation rights, attempts to draw a line in the sand that is hard to sustain".[61]

D. Ensuring social protection floors

51. It is difficult to accept that a State that has no basic social protection floor in place, whether so called or not, is meeting its most basic obligations in relation to the economic, social and cultural rights of its citizens and others. Social protection schemes can have a dramatic impact on reducing inequalities. In Brazil, for example, two programmes, the

[61] See Amartya Sen, *The Idea of Justice* (Harvard University Press, 2011) p. 385.

Continuous Benefit Programme and the Family Allowance, jointly contributed to a significant fall in Gini inequality between 1995 and 2004.[62] The Human Rights Council should thus insist on explicit recognition by key actors that there is a human right to social protection. At present, the right to social security and the right to an adequate standard of living, proclaimed so proudly in the Universal Declaration of Human Rights and subsequently often reaffirmed in binding treaty obligations, are ignored or even challenged by the policies advocated by many of the key actors involved in addressing the plight of the hundreds of millions of persons living in extreme poverty. Many leading international organizations and financial institutions still avoid recognizing those rights in their policies and programmes (see A/69/297, para. 51).

E. Implementing fiscal policies to reduce inequality

52. States should reduce inequality by adopting taxation policies that are instrumental to achieving that aim. While preparations for the Third International Conference on Financing for Development Conference, to be held in 2015, and the post-2015 development agenda have brought fiscal policies to prominence in international development debates, the basic principle that tax and development policies go together was already recognized over half a century ago in the Declaration on Social Progress and Development, in which the General Assembly called for the achievement of equitable distribution of national income, utilizing, inter alia, the fiscal system and government spending as an instrument for the equitable distribution and redistribution of income in order to promote social progress (art. 16 (c)).

53. There is greater awareness of this principle today, as reflected, for example, in the Secretary-General's observation that progressive tax policies can play an important role in addressing inequality and poverty and in his exhortation that Governments consider a combination of progressive income taxes and highly redistributive transfers to decrease income inequality and its impact on social development (see A/67/394, para. 56). It cannot be said, however, that current policies in the human rights area have come anywhere near recognizing the fact that tax policy is, in many respects, human rights policy. The regressive or progressive nature of a State's tax structure, and the groups and purposes for which it gives exemptions or deductions, shapes the allocation of income and assets across the population, and thereby affects levels of inequality and human rights enjoyment.[63] Appropriate redistributive measures through taxation and other fiscal policies must be seen as an integral part of a commitment to ensuring full respect for human rights across the entire society. Even IMF now acknowledges that "extreme caution about redistribution — and thus inaction — is unlikely to be appropriate in many cases". It also acknowledges that "on average, across countries and over time, the things that governments have typically done to redistribute do not seem to have led to bad growth outcomes, unless they were extreme" and that "the resulting narrowing of inequality helped support faster and more durable growth, apart from ethical, political, or broader social considerations".[64]

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[62] Fabio Veras Soares and others, "Cash transfer programmes in Brazil: impacts on inequality and poverty", International Poverty Centre Working Paper No. 21 (UNDP, 2006).

[63] International financial institutions should consider human rights obligations and impact when setting conditions and policies in the area of fiscal policy and, in particular, promote progressive rather than regressive taxation and ensure that all States are granted space to conduct counter-cyclical fiscal policies. See the 2014 report of the Special Rapporteur on extreme poverty and human rights to the Human Rights Council (A/HRC/26/28 and Corr.1, paras. 38 and 82 (a)).

[64] See Jonathan D. Ostry, Andrew Berg and Charalambos G. Tsangarides, "Redistribution, inequality, and growth", IMF Staff Discussion Note (2014), p. 26.

F. Revitalizing the equality norm

54. At present, there is no explicitly stated right to equality, as such, under international human rights law. In order to ground equality as an organizing theme in this area of law,[65] human rights bodies and commentators have relied on provisions such as those in the Universal Declaration of Human Rights that proclaim the equal rights of men and women (preamble), that all human beings are born free and equal in dignity and rights (art. 1) and that all are equal before the law and are entitled without any discrimination to equal protection of the law" (art. 7).[66] These provisions have been paired with those dealing with non-discrimination, which is also considered to be one of the central and foundational principles of international human rights law. Virtually all of the core human rights treaties contain explicit provisions on non-discrimination. Also, for the most part, human rights bodies have been careful to emphasize that the norms of equality and non-discrimination require substantive and not just formal equality.

55. However, in reading the jurisprudence generated by most of the treaty bodies, it is difficult to escape certain conclusions. First, article 3 of the International Covenants on Human Rights, which asserts equal rights for men and women, has perhaps not been given its fullest reading, especially in terms of access to resources. Second, for all of the attention given to affirmative obligations to eliminate discrimination, much of the work of the treaty bodies seems unduly confined to a focus on specific violations of non-discrimination. Linked to this is a reluctance to develop notions of distributive equality, which has been much debated in the literature, and would give an important added dimension to the effort to combat extreme inequality. Third, the right to equality needs to be given greater attention so that it is able to add substantively to the jurisprudence of international human rights bodies in ways that it has not, thus far.[67] Finally, the Committee on Economic, Social and Cultural Rights has to date done all too little in practice, as opposed to its analysis in general comments,[68] to explore what might be involved in the prohibitions in article 2 (2) of the International Covenant on Economic, Social and Cultural Rights against discrimination based on social origin, property or birth.[69]

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[65] Equality is such a central principle in the Universal Declaration of Human Rights and the Charter of the United Nations that some have argued "that its absence would make the landscape of human rights look fundamentally different". See Jarlath Clifford, "Equality", in Dinah Shelton, ed., *The Oxford Handbook of International Human Rights Law* (Oxford, 2013), p. 431.

[66] Some of these formulations were later reflected in the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

[67] More creative approaches, designed to breathe new life into the right to equality, in order to achieve the deeper objectives of the norm and to deal more effectively with the problem of extreme inequality, have been suggested by Sandra Fredman and are deserving of very careful consideration. She argues: "Substantive equality should be developed in a multi-dimensional format, which recognises and addresses the distributional, recognition, structural and exclusive wrongs experienced by out-groups. This yields four main purposes or dimensions of substantive equality: to redress disadvantage, to address stigma, stereotyping, prejudice and violence; to embrace difference and achieve structural change; and to enhance voice and participation." See Sandra Fredman, *Substantive Equality Revisited*, Oxford Legal Studies Research Paper No. 70/2014 (University of Oxford, 2014). Available from http://ssrn.com/abstract=2510287.

[68] See general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

[69] Ben Saul, David Kinley and Jacqueline Mowbray, *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases and Materials* (Oxford University Press, 2014), pp. 192–193.

G. Putting questions of resources and redistribution back into the human rights equation

56. The challenge of putting questions of resources and redistribution back into the human rights equation has several dimensions:

(a) The nature of the obligation to ensure respect for civil and political rights has been treated all too often as implying that resource considerations are not relevant in evaluating governmental compliance with the relevant international obligations. In other words, questions of the availability of resources and equality of access to those resources were largely eliminated from the most vibrant parts of the international human rights system, and relegated instead to the minor league discussions about economic, social and cultural rights. In the latter context, ironically, they were given overwhelming importance, such that the qualification contained in the International Covenant on Economic, Social and Cultural Rights that a State's obligations extended only to the maximum of its available resources is often invoked to excuse basic non-compliance;

(b) This artificial marginalization of questions of resources and distribution from the main human rights debates has also been reinforced by the determination of many States to keep the areas of international economics, finance and trade quarantined from human rights. The World Bank can simply refuse to engage with human rights in the context of its policies and programmes, IMF does the same, and the World Trade Organization is little different. When such issues are raised in the Human Rights Council the argument is invariably heard that it is not the appropriate forum and these matters should be dealt with elsewhere. But when efforts are made to raise human rights in such forums, the refrain is that they should rather be dealt with by the Human Rights Council;

(c) Leading human rights non-governmental organizations need to overcome their deep reluctance to bring issues such as resources and the need for redistributive policies into their research and advocacy. The result of their current failure to do so is that for all of their excellent work in exposing the magnitude of a specific range of human rights violations (overwhelmingly violations of civil and political rights), the deeper structures that keep in place policies and systems that do little to address extreme poverty and do even less to address extreme inequalities are effectively left in place, and the status quo is reaffirmed.